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SUBJECT: UN HOST COUNTRY COMMITTEE DISCUSSES DIPLOMATIC
PARKING, PRIVILEGES/IMMUNITIES, G-5 VISAS, VISA DELAYS,
TRAVEL CONTROLS AND AIRPORT SEARCHES

¶1. (SBU/NOFORN) Summary. The UN Committee on Relations with the Host Country held its 228th meeting on May 17, 2006. USUN Minister Counselor for Host Country Affairs represented the United States. In keeping with past practice, the New York City Commissioner for the United Nations, Consular Corps and Protocol, and her Deputy participated as observers as did nearly two-dozen representatives from non-Committee Member States. Agenda items included concerns regarding the diplomatic parking program, diplomatic privileges and immunities, visa issuance for domestic servants of diplomats, visa delays and travel restrictions, and airport searches of diplomats. The chair indicated that he would take up Mali's request for a new review of the Diplomatic Parking Program and consult further on the request with interested delegations. USUN intends to hold discussions with the Chairman and NYC officials with a view to deflect, or at least postpone action on the Malian request. End summary.

Diplomatic parking program

¶2. (U) Concerning the diplomatic parking program, the representative from Mali expressed his long-standing objection to the adoption of the November 2002 diplomatic parking program, arguing that the program is illegal and has a negative effect on the operations of the permanent missions, especially on diplomatic movement in carrying out tasks at the United Nations and elsewhere in New York. Welcoming the new Assistant Secretary General for Legal Affairs, Larry Johnson, he requested a new review by the UN Office of Legal Affairs of the parking program and its implementation, because the implementation of the program needs to be more flexible and improved.

Diplomatic privileges and immunities

¶3. (U) Russia's representative (Kuzmin) referred to the April 22, 2006 car accident involving Russian Mission Attach, Ilya Morosov. The representative expressed strong concern that a diplomat carrying proper documentation was deprived of his diplomatic immunities and arrested, handcuffed and detained by the police for several hours in spite of his status as a diplomat. The Russian representative stated that this conduct is contrary to both the U.S.-UN Headquarters Agreement and Article 29 of the Vienna Convention on Diplomatic Relations. He noted that in Moscow, Russian law enforcement authorities have documented

25 serious violations by American diplomats in the last two years that have been resolved on a bilateral basis, and Russia believed that it should expect the same treatment from other countries. He also thought the Host Country should not have permitted speculative press reports regarding the accident, and complained that the Host Country had not provided the Russian Mission with police reports and other documents it requested concerning the case.

¶4. (U) In reply, USRep (Graham) said that the United States did not deprive Mr. Morozov of his privileges and immunities, but requested that Russia waive Mr. Morozov's immunity so that he would face the impending charges. The United States' rapid action in this case was to ensure that the judicial process moved smoothly and to minimize embarrassment to the Permanent Mission of Russia. USUN Minister Counselor also noted that the United States had a vigorous and free press with which the U.S. government would not and could not interfere. The Russian Federation refused to waive immunity and inasmuch as Mr. Morozov is no longer in the United States, Russian requests for police reports and other documentation regarding the precise charges in this case seem to be moot.

Issuance of visas for domestic workers

¶5. (U) Saudi Arabia expressed concern regarding the alleged repeated denial of G-5 visas by the American embassies in Jakarta, Colombo and Addis Ababa for domestic workers with proper documentation applying to work for employers at the Saudi UN Mission. The Saudi representative was concerned that such denials were due to the fact that the employers were Saudi diplomats. Replying generally to the Saudi statement, USRep gave a detailed description of the process and criteria for issuing G-5 visas, explained the

need for a bona fide employer-employee relationship and contract, and provided comments on applicant visa eligibility, emphasizing that the nationality of the prospective employer was not a factor in visa adjudication. If the Saudi Mission experienced additional problems in this regard, they should be brought to the attention of USUN.

Visa delays and travel restrictions

¶6. (U) The Cuban representative expressed concern at the delay in visa issuance, which has prevented Cuban officials from arriving at UN meetings on time and caused the officials to miss all or part of official UN meetings. Separately, the Cuban representative voiced serious concern about the restrictions the host country places on travel of Cuban officials beyond the 25-mile radius of Columbus Circle, New York, specifically raising the case of Counselor Rodolfo Benitez, whose request to travel to a seminar sponsored by the International Peace Academy had been denied. Forty diplomats from other Missions participated. The Cuban representative indicated that this denial is contrary to the Vienna Convention, and is selectively discriminatory, politically motivated and interferes with the workings of the Mission. The Russian and Venezuelan representatives supported the Cuban intervention.

¶7. (U) In reply, USRep noted that travel restrictions are put in place for purposes of national security, and are neither arbitrary nor political. The United States does not restrict travel for official UN business and therefore the travel restrictions do not interfere with the work of Permanent Missions. In the case of Mr. Benitez, the travel was denied because the International Peace Academy is not part of the UN system but rather describes itself as fully independent. As such, the travel of Mr. Benitez was not for official UN business, and the denial was not inconsistent with host country obligations.

Airport searches of diplomats

¶8. (U) The representative from Mali also raised the issue of diplomats being subjected to searches at the airport, and suggested that Host Country, if it lacks the resources (to provide escorts) that would exempt Heads of Mission from searches, instead provide them with special identification to facilitate entry/exit at New York area airports.

¶9. (U) The chairman summarized the meeting, noted that he would take up Mali's request for a review of the diplomatic parking program, and would consult with Mali and other interested delegations. He adjourned the meeting after announcing that the next (229th) meeting would convene in July 2006.

¶10. (SBU/NOFORN) Comment: The meeting was noteworthy for its general absence of a strident tone; however, the chair's agreeing to Mali's request for a review of the parking program is not a welcome development. Several Committee members and observer delegations agree with Mali's contention that the program is illegal and inconsistent with host country obligations. A much larger group of UN Member States dislike the program and believe that the diplomatic parking program was imposed on them without their input or consent. Although a 2002 UN legal opinion, issued in response to a Committee request, upheld the program as not being inconsistent with the United States' obligations under international law, several Member States have never accepted the opinion. Also, the UN legal opinion left open the possibility that a new legal opinion, which would specifically look at the program's actual implementation, might be appropriate in the future.

¶11. (SBU/NOFORN) Comment continued: USUN and OFM/NY will need to work proactively and cooperatively with the Chairman and the City of New York to deflect Mali's demand for a new legal opinion, either by requesting the Chairman to poll Member States for their views on which aspects of the program present serious problems, or by organizing a small working group, perhaps composed of the Committee's Bureau, to recommend next steps. USUN will also urge the NYC Commission to address those implementation deficiencies which are the

cause for many complaints from the other Missions. End
Comment.

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